

AMENDED IN SENATE SEPTEMBER 11, 2003

**SENATE BILL**

**No. 166**

**Introduced by Senator Scott**

February 11, 2003

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An act to amend Section ~~366.26 of the Welfare and Institutions Code, relating to dependent children~~ 12132 of the Penal Code, relating to firearms, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 166, as amended, Scott. ~~Dependent children~~ Firearms.

*Existing law provides that, subject to exceptions, including exceptions applicable to law enforcement agencies and officers, any person who manufactures, causes to be manufactured, imports into the state for sale, keeps for sale, offers or exposes for sale, or lends any unsafe handgun is punishable by imprisonment in a county jail not exceeding one year.*

*This bill would express the intent of the Legislature regarding the exceptions to these prohibitions as applicable to law enforcement agencies and officers. This bill would also provide that the fact that a firearm purchased, used, or possessed by law enforcement entities, as specified, is not tested for purposes of determining if the firearm is an unsafe handgun, or the fact that the firearm is not listed on the roster of firearms determined not to be unsafe, shall not be evidence in a civil action against specified government entities, law enforcement agencies or municipalities.*

*This bill would declare that it is to take effect immediately as an urgency statute.*

~~Existing law requires a court to order a child who is free from the custody and control of both parents to order the child referred to the~~

~~State Department of Social Services or a licensed adoption agency for adoptive placement. Existing law also provides that the application of a relative caretaker or foster parent who has cared for a dependent child for whom the court has approved a permanent plan for adoption or who has been freed for adoption shall be given preference with respect to that child over all other applications for adoptive placement under certain circumstances.~~

~~This bill would require a court to review the department's or the agency's decision to deny the application of a relative caretaker or foster parent to adopt the child upon the request of that relative caretaker or foster parent, as specified. The bill would authorize the court to overrule that decision and place the child with the relative caretaker or foster parent for adoption if the court finds that the denial of the application was not in the child's best interest, as specified.~~

Vote: ~~majority~~ <sup>2/3</sup>. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 ~~SECTION 1. — Section 366.26 of the Welfare and Institutions~~
- 2 *SECTION 1. Section 12132 of the Penal Code is amended to*
- 3 *read:*
- 4 12132. This chapter shall not apply to any of the following:
- 5 (a) The sale, loan, or transfer of any firearm pursuant to Section
- 6 12082 or 12084 in order to comply with subdivision (d) of Section
- 7 12072.
- 8 (b) The sale, loan, or transfer of any firearm that is exempt from
- 9 the provisions of subdivision (d) of Section 12072 pursuant to any
- 10 applicable exemption contained in Section 12078, if the sale, loan,
- 11 or transfer complies with the requirements of that applicable
- 12 exemption to subdivision (d) of Section 12072.
- 13 (c) The sale, loan, or transfer of any firearm as described in
- 14 paragraph (3) of subdivision (b) of Section 12125.
- 15 (d) The delivery of a pistol, revolver, or other firearm capable
- 16 of being concealed upon the person to a person licensed pursuant
- 17 to Section 12071 for the purposes of the service or repair of that
- 18 firearm.
- 19 (e) The return of a pistol, revolver, or other firearm capable of
- 20 being concealed upon the person by a person licensed pursuant to

Section 12071 to its owner where that firearm was initially delivered in the circumstance set forth in subdivision (d).

(f) The return of a pistol, revolver, or other firearm capable of being concealed upon the person by a person licensed pursuant to Section 12071 to its owner where that firearm was initially delivered to that licensee for the purpose of a consignment sale or as collateral for a pawnbroker loan.

(g) The sale, loan, or transfer of any pistol, revolver, or other firearm capable of being concealed upon the person listed as a curio or relic, as defined in Section 178.11 of the Code of Federal Regulations.

(h) (1) The Legislature finds a significant public purpose in exempting pistols that are designed expressly for use in Olympic target shooting events. Therefore, those pistols that are sanctioned by the International Olympic Committee and by USA Shooting, the national governing body for international shooting competition in the United States, and that are used for Olympic target shooting purposes at the time that the act adding this subdivision is enacted, and that fall within the definition of “unsafe handgun” pursuant to paragraph (3) of subdivision (b) of Section 12126 shall be exempt, as provided in paragraphs (2) and (3).

(2) This chapter shall not apply to any of the following pistols, because they are consistent with the significant public purpose expressed in paragraph (1):

MANUFACTURER	MODEL	CALIBER
ANSCHUTZ	FP	.22LR
BENELLI	MP90	.22LR
BENELLI	MP90	.32 S&W LONG
BENELLI	MP95	.22LR
BENELLI	MP95	.32 S&W LONG
DRULOV	FP	.22LR
GREEN	ELECTROARM	.22LR
HAMMERLI	100	.22LR
HAMMERLI	101	.22LR
HAMMERLI	102	.22LR
HAMMERLI	162	.22LR
HAMMERLI	280	.22LR
HAMMERLI	280	.32 S&W LONG

1	HAMMERLI	FP10	.22LR
2	HAMMERLI	MP33	.22LR
3	HAMMERLI	SP20	.22LR
4	HAMMERLI	SP20	.32 S&W LONG
5	MORINI	CM102E	.22LR
6	MORINI	22M	.22LR
7	MORINI	32M	.32 S&W LONG
8	MORINI	CM80	.22LR
9	PARDINI	GP	.22 SHORT
10	PARDINI	GPO	.22 SHORT
11	PARDINI	GP-SCHUMANN	.22 SHORT
12	PARDINI	HP	.32 S&W LONG
13	PARDINI	K22	.22LR
14	PARDINI	MP	.32 S&W LONG
15	PARDINI	PGP75	.22LR
16	PARDINI	SP	.22LR
17	PARDINI	SPE	.22LR
18	SAKO	FINMASTER	.22LR
19	STEYR	FP	.22LR
20	VOSTOK	IZH NO. 1	.22LR
21	VOSTOK	MU55	.22LR
22	VOSTOK	TOZ35	.22LR
23	WALTHER	FP	.22LR
24	WALTHER	GSP	.22LR
25	WALTHER	GSP	.32 S&W LONG
26	WALTHER	OSP	.22 SHORT
27	WALTHER	OSP-2000	.22 SHORT

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29 (3) The department shall create a program that is consistent  
30 with the purpose stated in paragraph (1) to exempt new models of  
31 competitive firearms from this chapter. The exempt competitive  
32 firearms may be based on recommendations by USA Shooting  
33 consistent with the regulations contained in the USA Shooting  
34 Official Rules or may be based on the recommendation or rules of  
35 any other organization that the department deems relevant.

36 (i) (1) *It is the intent of the Legislature in enacting the*  
37 *exemption in paragraph (4) of subdivision (b) of Section 12125, to*  
38 *make the provisions of this chapter inapplicable to those specified*  
39 *law enforcement entities because peace officers have strenuous*  
40 *and ongoing training in use of their duty weapons and special*

1 *needs for and from their duty weapons. It is not the intent of the*  
2 *Legislature, in enacting this subdivision, to interfere with the*  
3 *choice of a law enforcement agency to use a certain firearm.*

4 *(2) The fact that a firearm purchased, used, or possessed by law*  
5 *enforcement entities specified in paragraph (4) of subdivision (b)*  
6 *of Section 12125 is not tested pursuant to Section 12126 shall not*  
7 *be evidence in a civil action against a government entity, law*  
8 *enforcement agency, or municipality described in subdivision (b)*  
9 *of Section 121254 of the safety of the firearm.*

10 *(3) The fact that a firearm purchased, used, or possessed by law*  
11 *enforcement entities specified in paragraph (4) of subdivision (b)*  
12 *of Section 12125 is not listed on the roster established by Section*  
13 *12131 of the Penal Code shall not be evidence in a civil action*  
14 *against a government entity, law enforcement agency, or*  
15 *municipality exempted from the provisions of this chapter pursuant*  
16 *to paragraph (4) of subdivision (b) of Section 12125 of the safety*  
17 *of the firearm.*

18 *SEC. 2. This act is an urgency statute necessary for the*  
19 *immediate preservation of the public peace, health, or safety*  
20 *within the meaning of Article IV of the Constitution and shall go*  
21 *into immediate effect. The facts constituting the necessity are:*

22 *In order to assure that law enforcement agencies are not*  
23 *inhibited in their ability to select firearms for their officers or*  
24 *deputies, it is necessary that this act take effect immediately.*

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27 **All matter omitted in this version of the**  
28 **bill appears in the bill as introduced in the**  
29 **Senate, February 11, 2003 (JR 11)**  
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